
Appeal Decision

Inquiry held on 10 May 2016

Site visit made on 10 May 2016

by A Napier BA(Hons) MRTPI AIEMA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 20 June 2016

Appeal Ref: APP/Q3115/W/15/3136390

Land north of 12 Celsea Place, Cholsey OX10 9QW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Linden Homes Chiltern against South Oxfordshire District Council.
 - The application Ref P15/S0262/O, is dated 2 February 2015.
 - The development proposed is the erection of up to 60 dwellings, including roads, paths, open space and associated works including access and garaging.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of up to 60 dwellings, including roads, paths, open space and associated works including access and garaging at Land north of 12 Celsea Place, Cholsey OX10 9QW in accordance with the terms of the application, Ref P15/S0262/O, dated 2 February 2015, subject to the conditions in the attached Annex.

Preliminary Matters

2. The planning application that is the subject of this appeal was submitted in outline with all matters except access reserved. As such, details of layout, scale, appearance and landscaping would be considered as part of a separate approval process following any permission granted. A masterplan and site layout was submitted as part of the application and at the Inquiry it was confirmed that, with the exception of the position of the site access, these details were intended to be illustrative and considered as such by the Council. I shall do the same with the appeal.
 3. As part of the application process, these indicative details were amended and the description of the proposal revised from reference to 'up to 61 dwellings' to 'up to 60 dwellings'. From the evidence provided, I am satisfied that this revised description accurately reflects the development currently proposed and I intend to consider the appeal on this basis. For clarity, this revised description is used in the heading and formal decision above.
 4. As part of the appeal process the development was screened in accordance with the requirements of the Environmental Impact Assessment (EIA) Regulations 2011. In this regard, it was directed that the proposal is not EIA development, as it would not be likely to result in significant environmental
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impacts and there is nothing in the evidence before me that leads me to an alternative view.

5. The details provided indicate that the appeal application was registered by the Council on 6 February 2015 and was not determined within the prescribed period, which was extended by agreement from 8 May 2015 to 26 August 2015. As a result, the appellant submitted an appeal to the Planning Inspectorate on 13 October 2015. As part of the appeal submissions the Council originally advised that, had it been in a position to do so, it would have refused the application for the following three reasons:
 - 1) *The application site is not a site allocated for development in a Development Plan, including any adopted Neighbourhood Plan, is not considered an infill site within the built up limits of the settlement and does not accord with the District's clear strategy for growth and necessary infrastructure. The proposal would amount to an unwarranted extension and encroachment into the adjacent countryside. The development is therefore contrary to policies CSS1, CSR1, CSH1 and CSI1 of the adopted Core Strategy, policies G2 and G4 of the adopted South Oxfordshire Local Plan 2011 and does not represent sustainable development as outlined in the NPPF.*
 - 2) *That the proposal fails to secure affordable housing to meet the needs of the District contrary to policies CSH3 of the adopted Core Strategy and wider guidance contained within the National Planning Policy Framework. It is acknowledged that this reason could be overcome through the provision of a suitable Section 106 legal agreement.*
 - 3) *The proposal fails to provide adequate services and facilities to meet the needs of the development contrary to policies C6, R2, R3, R6 and D12 of the saved policies of the adopted South Oxfordshire Plan 2011 and policies CSG1, CSI1 of the adopted Core Strategy. It is acknowledged that this reason for refusal could be overcome through the provision of a suitable Section 106 legal agreement.*
6. Since that time, however, the Council has confirmed that, in light of changed circumstances relevant to the proposal and subject to the submission of appropriate planning obligations to address the matters in the second and third reasons above, it now considers that the proposal should be allowed. Nonetheless, whilst it has been confirmed that there is no longer any material difference in position between the main parties, it will be necessary for me to consider the issues involved, not least as a number of concerns have been raised by the Parish Council and others.
7. A draft legal agreement between the appellant and the Council formed part of the appeal submissions. At the Inquiry, I agreed to accept a completed version of this document, provided it was submitted within the timescales given. In the event, a completed unilateral undertaking by the appellant was submitted by this date. The Council has been given an opportunity to comment on this document and its terms are not materially different to those contained within the draft agreement discussed at the Inquiry. As such, I am satisfied that my intention to take this undertaking into account in my determination of the appeal would not cause prejudice to any party.

Main Issues

8. The main issues in this appeal are:

- the current planning policy context;
- the effect of the proposal on the character and appearance of the local area and the surrounding landscape;
- whether or not the proposal would make adequate provision for affordable housing, infrastructure, services and facilities; and
- whether or not the proposal would represent sustainable development, having regard to the policies of the development plan and the National Planning Policy Framework.

Reasons

Current planning policy context

9. The *South Oxfordshire Core Strategy 2012* (CS) seeks to focus housing development within Didcot. In addition, CS Policies CSS1 and CSH1 support the delivery of new dwellings within other settlements in the rest of the district, including in identified larger villages, such as Cholsey. CS Policy CSR1 requires housing development within these larger villages to take place on allocated sites, or as infill or exception housing. It is not a matter of contention that the appeal proposal would not be an infill or an exception scheme. Furthermore, the Council's intended *Site Allocations Development Plan Document* (SADPD) has not been progressed as originally envisaged. Accordingly, no allocated sites currently exist for housing development within Cholsey. Consequently, the appeal proposal would not meet any of the criteria within CS Policy CSR1.
10. The Council undertook a *Strategic Housing Land Availability Assessment 2013* (SHLAA), in order to identify sites with the potential to meet the housing need for the area. Together with a number of other sites adjacent to or within Cholsey, the SHLAA considered the appeal site and concluded that it was suitable in principle for development, with no overriding constraints, and its comparative acceptability with other potentially suitable sites should be considered through the plan making process. As part of more recent work undertaken on the emerging Local Plan, the appeal site has been identified as one of three shortlisted sites for housing development for Cholsey.¹ However, as this emerging document is at a relatively early stage of the development plan process, I consider that only limited weight should be given to it.
11. In 2013, the Council confirmed that it would be seeking to provide some 128 new homes on sites allocated within Cholsey.² The Statement of Common Ground between the main parties agrees, however, that there is no cap in the CS on the extent of development in Cholsey. Furthermore, the more recent *Oxfordshire Strategic Housing Market Assessment 2014* (SHMA) has indicated that a higher number of dwellings would be required to meet the identified housing need within the area.
12. Unlike some other neighbouring authorities, the figures within the SHMA for South Oxfordshire have not, as yet, been tested through the development plan

¹ The Council's *Refined Options 2015*

² The Council's Cabinet Report, dated 17 September 2013

process. Nonetheless, I understand that they have not been disputed by the Council and that work on the emerging SADPD was suspended, in favour of taking forward a revised Local Plan for the area, in part to address the upwardly revised housing figures.

13. The parties are in agreement that CS Policies CSS1, CSR1 and CSH1 and the *South Oxfordshire Local Plan 2006* (LP) Policies G2 and G4 are relevant policies for the supply of housing. I see no reason to disagree with this position. The appeal site is immediately adjacent to the existing built settlement and, as such and taking into account the scale of development proposed, I consider that the proposal would broadly conform to the overall strategy of CS Policies CSS1 and CSH1 for housing development in South Oxfordshire. However, the proposal would not meet the criteria for development in Cholsey identified in CS Policy CSR1.
14. Government policy encourages a plan-led system for development, which is an approach that is strongly supported by the Parish Council. However, in this particular case, for a number of reasons, the development plan process has been delayed and, notwithstanding the CS strategy, no sites for housing development have been allocated in relation to Cholsey. In addition, my attention has been drawn to two recent appeal decisions within the Council's administrative area where the issue of housing land supply has been considered.³ In those cases, the Inspectors concluded that the housing need identified within the SHMA represents more reliable and up-to-date evidence of objectively assessed need for the area. Furthermore, having considered the matter in some detail, in both of these decisions, the Inspectors concerned concluded that the Council cannot currently demonstrate a five-year supply of deliverable housing land to meet this need.
15. Paragraph 49 of the National Planning Policy Framework (the Framework) states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites. In light of the conclusions in these previous appeals and for the purposes of this current appeal, the Council has revised its previous position and confirmed that it accepts that its policies for the supply of housing should not be considered as up-to-date. There is nothing in the evidence before me that would lead me to an alternative conclusion in this respect. As such, having regard to paragraphs 47-49 of the Framework, I conclude that the relevant policies for the supply of housing identified above are out-of-date and consider them to be of limited weight.
16. Accordingly, I find paragraph 14 of the Framework to be engaged. Where the relevant policies of the development plan are out-of-date, paragraph 14 of the Framework and CS Policy CS1 require permission to be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Furthermore, in relation to the final phrase of paragraph 14, it has not been suggested, nor do I consider on the evidence available to me, that there are specific policies within the Framework that indicate that development should be restricted.

³ APP/Q3115/W/15/3032691, dated 21 March 2016 and APP/Q3115/W/15/3097666, dated 23 March 2016

Character and appearance

17. The appeal site is located on the edge of the village and is an open field, with existing housing development to two sides. From the adjacent road, far reaching views are possible across the site, to the wider open countryside beyond. The North Wessex Downs Area of Outstanding Natural Beauty (AONB) is within close proximity to the site. However, due to intervening development and the topography concerned, I am satisfied that the proposal would not have any material impact on the landscape and natural beauty of the AONB or its setting.
18. The site is currently laid to grass and has the appearance of grazing pasture. Due to its appearance and location on the edge of the settlement, the site contributes to the rural setting of Cholsey and provides a connection with the wider countryside beyond. As a result, it forms part of the transition from the village to the largely agricultural rural landscape around it.
19. As part of the emerging development plan process referred to above, the appeal site was considered within a Landscape Capacity Assessment (LCA) undertaken by the Council in respect of sites on the edge of larger villages. In addition, an updated Landscape and Visual Impact Assessment (LVIA) report was submitted in support of the planning application. Whilst the purpose and level of detail contained within these documents differs, the conclusions reached are broadly consistent.
20. It is not a matter of contention that, to meet housing needs, there will be a need to develop greenfield land adjacent to Cholsey. In this context, the LCA considers, amongst other matters, that the appeal site is typical of the open rolling downs landscape type and finds that it has a high landscape capacity for development and is suitable for development on landscape and visual grounds.⁴ The LVIA finds that no significant landscape or visual harm would result from the proposal. The balance of landscape effects were considered to be neutral in the longer term, with no change to the wider landscape character of the area.⁵
21. Given the established residential context of the site and having regard to the findings of these documents, I consider that the proposal would not result in an incongruous pattern of development or an introduction of visually isolated development in the countryside, where no development currently exists. There would be some limited harm to the countryside setting of the village, due to the loss of the field and the consequent impact on its intrinsic character. However, the scale of development proposed would result in a relatively modest incursion into the adjacent countryside.
22. As a result and for the above reasons, I consider that the effect of the proposal on the setting of Cholsey would be relatively limited. Furthermore, whilst the site clearly has some local importance, it has not been suggested, nor do I consider from the details provided, that it represents a 'valued' landscape in relation to paragraph 109 of the Framework.
23. The appeal site is separated from Ilges Lane to the north by another field, which is a site that has also been identified as one potentially suitable for development. However, there is nothing substantive before me to demonstrate

⁴ LCA 2014, Site Cholsey CHOL3, p193-200

⁵ LVIA, August 2012 and Introductory Assessment Update, February 2015,

that permission has been granted, or a start on site scheduled, for the development of this adjacent land and, in views towards the appeal site from Ilges Lane, the current edge of the settlement appears somewhat stark. Whilst landscaping and layout are reserved matters, the illustrative layout includes provision for a landscape buffer to the north boundary of the appeal site.

24. Subject to the details proposed and accepting that it would take some time to establish, the provision of suitable landscaping within the site, coupled with a satisfactory layout, would have the potential to contribute to an appropriate transition from the built form of the development to the wider countryside beyond. The proposal would also potentially result in a softer edge to the settlement in this location. Having regard to the findings of the LCA, I consider that this would be a benefit of the scheme.⁶
25. Further along Ilges Lane, after it becomes a rural track, views of the site are largely screened by substantial areas of planting. Whilst some glimpsed views are possible from Reading Road to the east, significant areas of planting also exist in this location. As a result, the appeal proposal would have a very limited effect on views from these locations. Long distance views towards the site would be possible from the Chiltern Hills to the north-east. However, from this direction, the appeal development would be seen against the back-drop of the existing settlement. As a result and due to the distances involved, I consider that its impact in this regard would be very limited. Nonetheless, the potential provision of a softer edge to the settlement would also have some modest benefits for these longer views of the site.
26. It is clear that the proposal would result in a marked change to the views available for existing residential occupiers adjacent to the site and users of the adjacent highway, including in respect of the longer-distance views currently available across the site. A number of concerns have been expressed about the impact of the proposal in these regards. However, the loss of views of and across an open field will be an inevitable consequence of the development of a greenfield site on the edge of the settlement. There is nothing before me to indicate that the site is particularly sensitive in this regard, or that it has special characteristics that indicate that development should be precluded for these reasons. Moreover, given the outline nature of the proposal, there is the potential for some of these effects to be moderated to a certain extent by the detailed layout of the scheme and, in the longer term, through the establishment of landscaping within and to the edge of the site. As such, considered overall, I find that this matter does not represent a compelling reason to find against the proposal in this particular case.
27. Consequently, whilst having careful regard to the concerns raised, there is nothing substantive in the evidence before me that would lead me to disagree with the findings of the LCA or LVIA. For the reasons given, the proposal would result in some limited localised adverse impact, particularly in the short-term. Nonetheless, overall, I consider that the scheme would not have an unacceptably harmful effect on the setting of the village or the landscape character and visual amenities of the area and, in the longer term, would have the potential to provide a beneficial softer edge to the settlement.
28. The site is not within a Conservation Area and is situated some distance from listed buildings, including the former Fair Mile Hospital and its registered park

⁶ LCA, p.198

and gardens. Given the scale and nature of the development proposed, I am satisfied that the proposal would not have any material effect on the setting or significance of these designated heritage assets. However, as a result of assessments and investigations undertaken as part of the application process, it was established that the appeal site contains remains of archaeological interest, which are predominantly Roman in origin.⁷

29. As a result of this find, the overall amount of development proposed was reduced and the illustrative details amended to demonstrate that the appeal site could be developed whilst enabling the remains of the farm or villa building within it to be preserved in situ. I note that no objections to this proposed approach were raised by Oxfordshire County Council's planning archaeologist, who recommended that a condition be attached to any permission to control the further archaeological investigations considered necessary on the site.⁸
30. Having regard to the evidence available, including this consultation response, I am satisfied that it would be appropriate to regard the site as a non-designated heritage asset. Furthermore, as the approach proposed would enable the archaeological interest of the whole site to be investigated and recorded, with the remains of the building preserved in situ, I am also satisfied that the appeal proposal would not be harmful to the setting or significance of this heritage asset.
31. It appears that some plough damage to the remains of the building may have occurred from the previous agricultural use of the site. In this respect, the proposed preservation of these remains within the area identified as intended open space, covered by a protective soil cap, would protect them from further harm. There is nothing before me to demonstrate that this protection of the heritage asset, including from any further agricultural use of the site that may potentially otherwise take place, would be likely to occur in the absence of the development proposed. As such, I consider that this represents a further benefit of the proposal.
32. Consequently, considered overall and notwithstanding the local concerns raised, I conclude that the proposal would have an acceptable effect on the character and appearance of the area, including in respect of the local landscape and the setting and significance of heritage assets. It would not conflict with CS Policies CSEN1 and CSQ3 and LP Policies G2, G4, C4 and CON13, where they seek to protect local character and appearance, including in relation to landscape, the countryside, the historic environment and archaeological interest. It would also meet the aims of paragraph 17 of the Framework, to take account of the roles and character of different areas and conserve heritage assets in a manner appropriate to their significance.

Affordable housing, infrastructure, services and facilities

33. Since the appeal was submitted, the Council has become a charging authority in respect of the Community Infrastructure Levy (CIL) Regulations 2010. As a result, a number of requirements previously identified as necessary in relation to the proposal, such as education contributions, would be addressed by CIL charges on the implementation of the development proposed. The completed

⁷ Archaeological Evaluation and Geophysical Survey, Foundations Archaeology, June 2015 and Geophysics Survey Report, AB Heritage, 23 March 2015

⁸ Consultation response, dated 3 August 2015

unilateral undertaking provided by the appellant makes a number of provisions to address the remaining requirements identified by the Council and the County Council in relation to the proposal, subject to them being considered necessary as part of a decision to allow the appeal. There is nothing in the details before me to lead me to consider that these provisions would have a material impact on the viability of the scheme or threaten its delivery.

34. From the evidence provided, I am satisfied that there is a clear need for affordable housing within the area and the proposal would make provision for 40% affordable housing, in accordance with the development plan requirement. The amount and type of on-site open space proposed would meet local planning policy requirements and be appropriate for a development of this type, and would result in the need for its long-term maintenance. In addition, the dwellings proposed would require recycling and refuse bin provision, and the development would have implications for street naming and numbering. The details provided demonstrate that the proposed provisions in these respects would accord with CS Policies CSH3 and CSI1, LP Policies R2 and R6 and the guidance within the Council's *Planning Obligations Supplementary Planning Document 2016* (SPD).
35. As such, I am satisfied that these provisions would be necessary to make the development acceptable in planning terms. They would result in provisions on site to address specific impacts of the development proposed and, as such, would also clearly be directly related to it. The extent and type of affordable housing on the site and the scale of financial contributions proposed would accord with the policy requirements and the methodology contained within the SPD guidance, including in relation to open space. In addition, evidence was presented at the Inquiry of the Council's current level of standard charges for bins and street naming and monitoring contributions, which do not appear to me to be excessive. As a result, I consider these provisions would be fairly and reasonably related to the proposal in scale and kind. Accordingly, overall, I am satisfied that these provisions of the undertaking meet the relevant tests for planning obligations in regulations 122 and 123 of the CIL Regulations 2010 and paragraph 204 of the Framework.
36. Notwithstanding the inclusion of a provision for the payment of the Council's monitoring costs within the undertaking, I heard conflicting evidence on whether or not this particular provision would be appropriate. A detailed justification for such a requirement is given within the SPD and, at the Inquiry, further evidence was provided in this respect, together with details of the current scale of the charges, as published on the Council's website. Whilst the contributions for refuse and recycling bins and street naming and numbering would be one-off payments, the provision of affordable housing and public open space would be more complicated, with the engagement of different trigger points dependent on the stage reached in the development of the site, both in respect of direct provision and potential financial contributions.
37. As a result and having careful regard to the evidence provided,⁹ I am satisfied that the overall level of monitoring required by the Council in respect of the planning obligations concerned would go beyond that which could reasonably be expected to form part of its standard development management functions. As such, I consider that the monitoring cost would be necessary. It would be

⁹ Including *Oxfordshire County Council v Secretary of State for Communities and Local Government and others* [2015] EWHC 186 (Admin)

directly related to the development proposed and would address impacts of that development that otherwise would not arise. The methodology used to calculate this cost is sufficient to demonstrate that the scale of the charge would not be unreasonable and would be in accordance with the Council's published guidance on this matter. Accordingly, in this particular case, I find that the monitoring cost for the Council would also meet the relevant tests.

38. The County Council has requested a financial contribution to the improvement of public transport facilities to serve the development proposed. However, only limited information has been provided to support this request. The site is in relatively close proximity to the railway station and bus stops, which appear to be served by frequent and regular services to larger settlements, nearby and further afield. In addition to the contribution provided by one other development nearby, the current contribution sought would support the extension of bus services in the evenings and weekends. Although the details provided indicate that the level of contribution would be derived from that resulting from the other development, there is nothing before me to demonstrate how this previous contribution was calculated. As a result, I am not satisfied that it has been adequately demonstrated that the scale of contribution identified would be fairly related to the development proposed.
39. Consequently, I consider that this particular provision would not meet the relevant tests of the Regulations or the Framework. Similarly, whilst a monitoring cost has also been included in respect of this provision, the payment concerned would relate to a single sum, paid at the commencement of development, with no details given as to how this figure has been calculated. Accordingly, I am not satisfied that it has been demonstrated that the sum concerned would be necessary or reasonable. As such, I find that this cost would not meet the relevant tests and, as such, neither of these provisions is appropriate for me to take into account in my decision.
40. In addition to these matters, the Parish Council indicated that contributions were considered necessary towards parking provision in the centre of the village and the construction of a new children's centre building. However, it was confirmed at the Inquiry that the provisions of the CIL regulations would result in the payment by the Council to the Parish Council of a percentage of the CIL charges raised. As this sum could potentially be spent on the facilities identified, I am satisfied that this would adequately address this matter.
41. Accordingly, for the reasons given and with the exceptions indicated above, I conclude that the proposal would make appropriate provision for necessary contributions to affordable housing, infrastructure, services and facilities, with regard to the requirements of the development plan and the relevant tests of regulations 122 and 123 of the CIL regulations and the Framework.

Other matters

42. The site is accessed by Celsea Place, which serves a number of dwellings, some of which do not have off-street parking within their property. At the time of my visits to the site, a number of cars were parked on the road, which resulted in other traffic having to slow, stop, negotiate and reverse. However, the submitted details indicate that the proposal would result in only a modest increase in the amount of traffic using the existing highway network, which would have a negligible impact, given the overall scale of development

proposed.¹⁰ The highway authority has raised no objections to the proposal and, notwithstanding the local concerns expressed, there is no technical evidence before me to lead me to an alternative conclusion in this respect.

43. Moreover, whilst there may well be issues currently with on-street parking within the area, it has been confirmed that the detailed appeal scheme would be designed to meet the relevant parking standards for a development of this type. Control of this matter, along with details of the access proposed and the level of visibility at the junction, could be achieved by the application of appropriate conditions on any permission granted. Accordingly, overall, I consider that none of these matters, either individually or cumulatively, represents a compelling reason to find against the proposal.
44. In addition, whilst potential future occupiers of the proposal may well choose to have a car, the location of the site is such that this would not be essential. The site is within easy and convenient reach of the village centre, which provides a number of local services and facilities. Although the main primary school is slightly further away, the distances involved do not appear to me to be so great as to preclude access on foot or bicycle. In addition, the site is within close proximity to a bus stop and within easy walking distance of the railway station, which is situated on the Great Western mainline, providing services to Bristol and London, as well as other closer settlements. As such, I am satisfied that the location of the proposal is such that the full range of services and facilities likely to be required to meet the needs of its future occupiers would be readily accessible through a number of different means. This is a matter that also weighs in favour of the scheme.
45. Concerns have been raised about the potential impact of the proposal on the living conditions of neighbouring occupiers, including in respect of overlooking, security, noise and disturbance. However, whilst recognising the rights to respect for privacy and family life and taking the personal circumstances of nearby occupiers into account, it is nevertheless necessary to balance the fundamental rights of the individual against the legitimate interests of other individuals and the wider community or public interest. Given the outline nature of the scheme, I am satisfied that these matters could be adequately addressed by appropriate conditions to control the detailed design of the development. As such, I consider that any interference in these respects would be insufficient to give rise to a violation of rights under the Human Rights Act 1998. Accordingly, I consider that these concerns also do not represent compelling reasons to find against the scheme in this case.
46. The Parish Council has also raised concerns about the siting of the proposed area of public open space. Whilst layout is a reserved matter, it is clear from the revisions to the illustrative layout and scale of development proposed that, to ensure appropriate protection of the archaeological interest of the site, the open space would in all probability be situated adjacent to the road, to the south of the site. However, taking into account the characteristics of this road and with the use of an appropriate design for this space, it appears to me that this location is not one that would be inherently unacceptable. Moreover, its probable location would make it more accessible to others within the area, which would potentially result in some wider benefit. As such, I am not persuaded that this is a matter that should count against the proposal.

¹⁰ Transport Statement, Glanville, 28 January 2015, p.9

47. Concerns have been raised about the potential links within the appeal site to the adjacent land to the north and the scale and design of individual buildings proposed. I am satisfied that the illustrative layout and submitted evidence indicate that provision could be made for a suitable link. Furthermore, I am mindful that the appeal scheme is in outline and the layout, scale and appearance of the development are reserved matters, and there is nothing before me that leads me to consider that these issues would not be able to be appropriately addressed at that stage of the development process.
48. A number of concerns have also been raised about the potential impact of the proposal on services and utilities, such as sewerage and water supply. From the details available to me, including evidence provided at the Inquiry, I am satisfied that these matters would be able to be adequately addressed by condition, or through other legislation applicable to statutory undertakers, separate to the planning process. As such, I consider that these issues do not represent appropriate reasons to find against the proposal in this case.

Sustainable development and overall planning balance

49. The three roles of sustainable development are mutually dependent. Paragraphs 6-9 of the Framework indicate that 'sustainability' should not be interpreted narrowly. Elements of sustainable development cannot be undertaken in isolation but should be sought jointly and simultaneously. Sustainable development also includes 'seeking positive improvements in the quality of the built, natural and historic environment as well as in people's quality of life'.
50. The proposal would result in the development of up to 60 dwellings, which would add to the local housing stock and contribute to the identified need for housing within the area. This would be a significant benefit of the proposal and having regard to the aim of the Framework, to boost significantly the supply of housing, I give this benefit considerable weight. Furthermore, some 40% of these dwellings would be affordable. Given the aims of the Framework, to deliver a wide choice of high quality homes and create inclusive mixed and balanced communities, including through the provision of on-site affordable housing, I consider that this would add further weight to this benefit.
51. The development would be located within reasonable proximity of a number of local services and facilities, with ready access to good transport links. During development and following occupation, the development would have local economic benefits, including in support for existing services. In addition, whilst the proposal would have a limited localised adverse impact on views across the site and the rural setting of the village, considered overall, I have found that it would not cause harm to the character and appearance of the area, particularly with the longer-term potential to achieve a softer edge to the settlement. The scheme would also include provision for an area of open space, which would be publicly accessible and protect the archaeological interest of the site. The details submitted indicate that the proposal is intended to provide for an enhancement of biodiversity on the site, which would be able to be secured by condition. These matters are also benefits of the proposal, to which I give significant weight.
52. Accordingly the scheme would have significant social benefits, as well as a number of economic and environmental benefits, which weigh in its favour and contribute to the aim of achieving sustainable development. For the reasons

given, I have also found that the proposal would not result in harm to highway safety, including in relation to congestion and parking provision, and would not have an adverse impact on neighbouring living conditions. I am satisfied that, subject to conditions, other impacts of the scheme could be adequately addressed, so that the overall design of the proposal, and its potential effect on the local environment and neighbouring occupiers, would be acceptable. It would also make appropriate provision for necessary contributions to local infrastructure and facilities to address the likely impact of the development proposed. As such, none of these matters count against the scheme.

53. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The Framework is such a material consideration. The proposal would not meet the criteria for development in larger villages of CS Policy CSR1. However, it would broadly conform to the overall strategy for housing development in CS Policies CSS1 and CSH1, would not conflict with other development plan policies identified above, and would deliver significant social, economic and environmental benefits.
54. For the reasons given, I conclude that the limited harm that would result from the proposal would not significantly and demonstrably outweigh the clear benefits of the scheme when assessed against the policies in the Framework taken as a whole. Consequently, I find that the proposal would be sustainable development that would meet the aims of paragraphs 47-49 and 14 of the Framework.

Conditions

55. I have considered the Council's suggested conditions in the light of the Planning Practice Guidance and the Framework. For clarity and to ensure compliance with the Guidance, I have amended some of the suggested wordings.
56. At the Inquiry, the Council suggested a revised timescale for the submission of reserved matters, from the standard three years to one year, so that the development would contribute to the delivery of housing within the next five years. The appellant indicated that the one year period suggested would be too short to allow for the preparation of a detailed scheme and to enable proper engagement with the local planning authority. Nonetheless, the appellant confirmed that, in the particular circumstances concerned, a shorter period would be appropriate and a period of eighteen months was suggested. Taking into account the evidence provided, including the appellant's stated intention to commence on site promptly, I consider that this reduced period would not be unreasonable. For clarity and the avoidance of doubt, reference is made to a period of eighteen calendar months for the submission of reserved matters.
57. Otherwise than as set out in this decision and conditions, to provide certainty, it is necessary that the development be carried out in accordance with the approved plans. It is necessary to restrict the overall amount of development on the site, for the avoidance of doubt and to ensure that it reflects the submitted details.
58. Given the archaeological interest of the site, it is reasonable to require further investigation and mitigation work to be undertaken in this regard, to ensure

that its significance is appropriately conserved. Taking into account the proximity of the site to neighbouring residential occupiers, the access arrangements and scale of development proposed, it is necessary to control the methods of construction on the site. It is also necessary to control the appropriate drainage of the development and to ensure that the scheme as approved is in place before occupation of the dwellings and any discharge to the public system, in the interests of the living conditions of neighbouring and potential future occupiers and to prevent flooding and pollution. Due to the likely impact of these works on the site, it is essential that these details are approved before any development takes place.

59. In the interests of the character and appearance of the area, it is necessary to control the external materials to be used in the development permitted. To protect and enhance biodiversity, it is appropriate to require reptile mitigation and biodiversity enhancement strategies and to control details of the measures undertaken on site. Due to their nature, it is essential that these measures are approved before work takes place on site. In the interests of the character and appearance of the area and to ensure that the likely needs of potential future occupiers are met, it is appropriate to control boundary treatments and the provision of landscaping, open space and play space on site. Given the nature of this provision and the landscape context of the proposal, it is reasonable to ensure its management in the long-term. In the interests of highway safety and the living conditions of potential future and neighbouring occupiers, it is necessary to control car and bicycle parking and details of access, including in respect of the visibility splays to be provided.
60. At the Inquiry, in addition to the suggested conditions, it was agreed that it would also be appropriate to require details of a Travel Plan to be approved. Having regard to the consultation response from the highway authority in this regard and support within the Framework for such measures, I concur with this view. However, it was confirmed that the potential need to restrict on-street parking in the vicinity of the proposed junction of the access with the highway is a matter that would be controlled through the necessary agreement with the highway authority for those works. As a result, I am satisfied that it is not necessary to apply a condition in this regard.

Community Infrastructure Levy Contributions

61. The attention of the developer is drawn to the Council's Community Infrastructure Charging Schedule.

Conclusion

62. For the above reasons and having regard to all other matters raised, I conclude that the appeal should be allowed.

A Napier

INSPECTOR

Annex

Conditions

- 1) Details of the layout, scale and appearance of the development and the landscaping of the site (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than eighteen calendar months from the date of this permission.
- 3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) Other than as required by this decision and conditions, the development hereby permitted shall be carried out in accordance with the following approved plans: 14086 S01/C, 14086 S02/B and, insofar as it relates to the position of the access only, 14086 PO1/E.
- 5) The total number of dwellings authorised by this permission shall not exceed 60.
- 6) Notwithstanding the archaeological evaluation previously undertaken, no development shall take place on the site until a further programme of archaeological work has been implemented in accordance with a written scheme of investigation and mitigation which has been submitted to and approved in writing by the local planning authority.
- 7) No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The Statement as approved shall be adhered to throughout the construction period. The Statement shall provide for:
 - i) The parking of vehicles of site operatives and visitors
 - ii) Loading and unloading of plant and materials
 - iii) Storage of plant and materials used in constructing the development
 - iv) The erection and maintenance of security hoarding, including decorative displays and facilities for public viewing, where appropriate
 - v) Wheel washing facilities
 - vi) Measures to control the emission of dust and dirt during construction
 - vii) A scheme for recycling/disposing of waste resulting from construction works
 - viii) Site offices or other temporary buildings
 - ix) Hours of construction.

- 8) No development shall take place until a drainage strategy detailing any on- and off-site drainage works has been submitted to and approved by the local planning authority. The strategy shall include the provision of sustainable drainage schemes where feasible. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed. No occupation of any of the dwellings hereby permitted shall take place until the drainage works to serve that dwelling have been carried out in accordance with the approved details.
- 9) No above ground development shall take place until a schedule and samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 10) No development or works, including any works of site clearance, shall take place until a reptile mitigation strategy has been submitted to and approved in writing by the local planning authority. This strategy shall include details of measures to be taken to avoid harm to reptiles and the development shall be carried out in accordance with the strategy as approved.
- 11) No development shall take place until a method statement for a biodiversity enhancement strategy has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the details as approved and the measures provided shall be retained thereafter. The strategy shall include:
 - i) Details of the siting and location of 4 integrated bat boxes and 4 integrated bird boxes to be installed in the new properties hereby permitted; and
 - ii) Details of biodiversity enhancements within areas of public open space.
- 12) The approved landscape works of all public and communal areas, which for the avoidance of doubt shall include the provision of a local area of play, shall be carried out in accordance with the details as approved prior to the occupation of the 30th dwelling or in accordance with a programme first agreed in writing with the local planning authority. The approved landscaping of gardens shall be completed prior to the occupation of the last dwelling. If within a period of five years from the date of the planting of any approved tree, that tree or any tree planted in replacement for it is removed, uprooted or destroyed or dies or, in the opinion of the local planning authority, becomes seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place.
- 13) No occupation of any dwelling hereby permitted shall take place until a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than privately owned domestic gardens, shall be submitted to and approved in writing by the local planning authority. The landscape management plan shall be carried out as approved.

- 14) No dwelling shall be occupied until the boundary treatment to serve that dwelling indicated on the approved landscape scheme has been completed.
 - 15) No occupation of any dwelling hereby permitted shall take place until details of the provision to be made for the parking and storing of bicycles have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the details as approved and no dwelling shall be occupied until provided with its cycle parking facility, which shall thereafter be retained for its intended purpose.
 - 16) No dwelling shall be occupied until the means of vehicular access to it and the parking spaces to serve it have been constructed in accordance with details that shall have been first submitted to and approved in writing by the local planning authority. Once so provided, thereafter the access and parking shall be retained and made available for their intended purpose.
 - 17) No occupation of any dwelling hereby permitted shall take place until visibility splays of 2.4 metres x 43 metres have been provided to both sides of the access to the site, as shown on drawing Ref 14086 P01/E. Thereafter the visibility splays shall be permanently retained free from obstruction to vision.
 - 18) No occupation of any dwelling hereby permitted shall take place until details of a Travel Plan have been submitted to and approved in writing by the local planning authority. The Travel Plan shall be implemented in accordance with the details as approved.
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APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr Cain Ormondroyd of Counsel Instructed by South Oxfordshire District Council

He called

Ms Philippa Jarvis,
BSc (Hons) DipTP MRTPI

Philippa Jarvis Planning Consultancy Ltd

FOR THE APPELLANT:

Mr Richard Kimblin QC

Instructed by Mr Henry Venners

He called

Mr Henry Venners,
BSc MA MRTPI

John Phillips Planning Consultancy

INTERESTED PERSONS:

Mr Mark Gray

Chair of Parish Council and local resident

Ms Mildred Taylor

Local resident

Mr Paul Jenkins

Local resident and member of Parish Council

Ms Lucia Hamlyn

Local resident and member of Parish Council

Mr Anthony Hines

Local resident

DOCUMENTS SUBMITTED AT THE INQUIRY

1. Appearances for the appellant
2. Opening statement for the appellant
3. The Council's *Section 106 Planning Obligations Supplementary Planning Document 2016*
4. Final draft of the legal agreement
5. The Council's statement supporting Section 106 monitoring fees
6. The Council's note on the suggested conditions
7. Extract from the Council's website on S106 financial contributions and fees
8. Summary of judgment in *Oxfordshire County Council v Secretary of State for Communities and Local Government and others* [2015] EWHC 186 (Admin)

DOCUMENTS SUBMITTED AFTER THE INQUIRY

9. Completed unilateral undertaking, dated 19 May 2016¹¹

¹¹ See paragraph 7